

The Honorable Timothy W. Dore
Confirmation Hearing: August 3, 2016

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UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In Re:

Brenda Robinson and Jeremy Robinson,

Debtor.

Case No. 16-12698-TWD
Chapter 13

OBJECTION TO CONFIRMATION OF
CHAPTER 13 PLAN

The secured creditor, FV-1, INC. IN TRUST FOR MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS LLC (hereinafter "Secured Creditor"), hereby makes this objection to the proposed Chapter 13 Plan.

Secured Creditor holds a security interest in the Debtor's principal residence located at 34915 46th Ave S, Auburn, WA 98001. Secured Creditor objects to the proposed Chapter 13 plan as follows:

I. FACTS

On or about August 25, 2006, BRENDA R ROBINSON AND JEREMY C ROBINSON, executed a promissory note in the original principal amount of \$249,000.00 secured by a mortgage or deed of trust on the property commonly known as 34915 46th Ave S, Auburn, WA 98001 (the "Property"). The promissory note is either made payable to Creditor or has been duly indorsed. Creditor, directly or through an agent, has possession of the promissory note. Creditor is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust.

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2 The total amount owing on Secured Creditor's senior lien was \$315,712.50 as of 06/22/2016.
3 Ongoing regular post-petition monthly payments are adjustable but are currently \$1,455.00.
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5 II. ARGUMENT

6 Pursuant to 11 U.S.C. § 1322(b)(5) a Chapter 13 Plan may "provide for the curing of any default
7 within a reasonable time and maintenance of payments while the case is pending on any...secured claim
8 on which the last payment is due after the date on which the final payment under the plan is due." The
9 default must be cured during the life of the plan, which cannot exceed five years. 11 U.S.C. §
10 1322(d)(1). The approximate pre-petition arrearage owed to secured Creditor is \$33,932.53. In order to
11 cure this arrearage during the life of the Plan, Secured Creditor must receive monthly payments of
12 \$942.57 over 36 months or \$565.54 over 60 months. As proposed, the Debtor's Plan will not cure the
13 arrearage over the life of the Plan.
14

15 Finally, Debtor's plan appears incomplete. Paragraph XII(D) indicates Debtor "has/will be apply
16 for a loan modification," however, the date by which this will be completed is blank. It is also unclear if
17 the loan modification has already been applied for. Creditor requests that an application be required to
18 be submitted within 30 days.
19

20 III. CONCLUSION

21 WHEREFORE, for the foregoing reasons Secured Creditor respectfully requests confirmation of
22 the proposed Chapter 13 plan, dated June 3, 2016 be denied, or in the alternative, be amended to resolve the
23 objection herein.
24

25 DATED: June 24, 2016

26 /s/Lisa McMahon-Myhran
27 Lisa McMahon-Myhran, WSB #27559
28 ROBINSON TAIT, P.S.
Attorneys for FV-1, INC. IN TRUST FOR MORGAN
STANLEY MORTGAGE CAPITAL HOLDINGS LLC and
its successors and assigns

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9 UNITED STATES BANKRUPTCY COURT
10 FOR THE WESTERN DISTRICT OF WASHINGTON
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12 In Re:

13 BRENDA ROBINSON AND
14 JEREMY ROBINSON,

15 Debtors.

BANKRUPTCY NO. 16-12698-TWD

CHAPTER NO. 13

PROOF OF SERVICE

16 Kathleen Guinee, under penalty of perjury under the laws of the United States,
17 declares as follows:

18 1. That I am a citizen of the United States, over the age of 21 years, and
19 competent to be a witness herein.

20 2. That on June 24, 2016, I transmitted by depositing in the United States mail,
21 postage prepaid (as indicated herein), copies of the:

22 Objection to Confirmation of Plan

23 addressed as follows:

24 Brenda Robinson
25 Jeremy Robinson
26 34915 46th Ave S
27 Auburn, WA 98001

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2 and transmitted electronically via ECF to:

3 Brigette Lotte Ohlig

4 K Michael Fitzgerald

5 U.S. Trustee

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7
8 Dated June 24, 2016

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11 /s/Kathleen Guinee
12 Kathleen Guinee
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